

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:12-cv-00229-FDW-DCK**

**GEORGE E. CLOWERS,**

**Plaintiff,**

**vs.**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security,**

**Defendant.**

**ORDER**

**THIS MATTER** is before the Court on Plaintiff’s “Motion or Summary Judgment” (Doc. No. 11), and “Memorandum in Support . . .” (Doc. No. 12), Defendant’s Motion for Summary Judgment” (Doc. No. 15) and “Memorandum in Support of the Commissioner’s Decision” (Doc. No. 16), and the Magistrate Judge’s Memorandum and Recommendation (“M&R”) (Doc. No. 17). This matter is now ripe for review. For the reasons that follow, the Court **ACCEPTS** and **ADOPTS** the M&R (Doc. No. 17). The Commissioner’s decision is **VACATED**, and this matter is **REMANDED** for further proceedings consistent with the Magistrate Judge’s M&R.

**I. STANDARD OF REVIEW**

The Federal Magistrate Act states that “a [district] court shall make a de novo determination of those portions of the report or specific proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); Camby v. Davis, 718 F.2d 198, 200 (4th

Cir. 1983). “By contrast, in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). *De novo* review is also not required “when a party makes general or conclusory objections that do not direct the court to a specific error in the magistrate judge’s proposed findings and recommendations.” Howard Yellow Cabs, Inc. v. United States, 987 F. Supp. 469, 474 (quoting Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982)). The district court need not review issues that are beyond the subject of an objection. Thomas v. Arn, 474 U.S. 140, 149 (1985); Camby, 718 F.2d at 200. Upon careful review of the record, “the [district] court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C).

## **II. DISCUSSION**

Federal Rule of Civil Procedure 72(b) allows a party fourteen (14) days to file specific written objections to a Magistrate Judge’s proposed findings and recommendations. Fed. R. Civ. P. 72(b)(2). The parties were notified that objections to the M&R must be filed within this time frame. (See Doc. No. 17). Neither Plaintiff nor Defendant has filed any objections, and the time for doing so has expired. Considering no objections were filed and after a careful review of the record in this case, the Court finds that the Magistrate Judge’s recommendations are consistent with and supported by law.

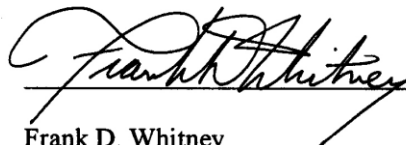
## **III. CONCLUSION**

IT IS THEREFORE ORDERED that the Memorandum and Recommendation (Doc. No.

17) is hereby ACCEPTED and ADOPTED; Plaintiff's Motion for Summary Judgment (Doc. No. 11) is DENIED; and Defendant's Motion for Summary Judgment (Doc. No. 15) is DENIED. The Commissioner's decision is VACATED, and this matter is REMANDED for a new hearing and further proceedings consistent with the Magistrate Judge's M&R.

IT IS SO ORDERED.

Signed: May 22, 2013

  
Frank D. Whitney  
United States District Judge

